

The One CIA Trial Ended in a Hung Jury

By Norman Kempster
Washington Star Staff Writer

Sometime in late 1974, a CIA employe was prosecuted in federal court on "various firearm offenses." The trial ended in a hung jury.

This would hardly be a matter of great significance except that it apparently is the only case in the CIA's files in which an agency employe was prosecuted for a crime in the last 20 years.

Information submitted by the CIA to a House subcommittee indicates that 31 cases of possible misconduct were investigated since the spring of 1954 when the agency reached an agreement with the Justice Department permitting the CIA to decide if its employes should be prosecuted for crimes.

THE AGENCY'S report covers only unlawful conduct engaged in for private reasons, such as embezzlement or assault. It does not include illegal activities which an employe may have conducted under agency orders such as opening mail.

The CIA said nine of the cases were stopped by the agency because prosecution might reveal national secrets. But 20 were referred to the Justice Department for action. Two others were referred to other agencies for possible action.

A summary of the 20 cases sent to Justice contains no record of a successful prosecution. The summary is couched in such general terms that identification of individuals is virtually impossible. But it includes notations like "no prosecution occurred," "Justice decided not to prosecute," "national security interests precluded prosecution" and "prosecu-

tive action would be inadvisable."

ONLY ONE of the 20 cases is readily identifiable. That one involved a Thai citizen with CIA connections who was arrested on a narcotics charge. The U.S. attorney's office in Chicago did not prosecute because the CIA said the trial would expose "intelligence sources and methods including the identities of employes and agents."

CIA Deputy Director Vernon A. Walters recently remarked that the record indicates a high level of honesty on the part of agency employes. He said that it would be difficult to find another group of so many individuals who were accused of so few crimes.

There has never been any doubt that agency employes are bright, well-educated and highly motivated. It may very well be that most of the CIA's officers and agents are not prone to mundane criminal activity.

BUT THE FIGURES also seem to illustrate a more controversial CIA attribute — an attitude that the agency's job is so important to the nation that nothing should be permitted to interfere with it.

Former Defense Secretary Clark Clifford, onetime chairman of the President's Foreign Intelligence Advisory Board, recently told a group of reporters that some CIA officials seem to believe the agency is above normal law.

"There is a feeling in the intelligence community that they have a 'higher duty' to do what they think is in the national interest," Clifford said.

Clifford, now a Washington attorney, said he thinks the current CIA investigation is healthy because it



CLARK CLIFFORD
CIA probe 'healthy'

will lead to greater supervision of intelligence agencies.

"IF YOU HAVE secret organizations, they get out of hand unless they are watched every minute," he said.

Clifford said the CIA is vital to the national defense. But he said cloak-and-dagger spying is less important today than it used to be because of advances in technological intelligence gathering.

"I have seen a photograph of a tennis court in the Soviet Union taken from (a satellite) 100 miles up where you could see a tennis ball," Clifford said.

With such satellites, Clifford said, the CIA's job becomes more one of analyzing information collected through technology rather than attempting to "penetrate" foreign governments. That makes

continued